

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

632 METACOM, INC. d/b/a HOMETOWN  
TAVERN, individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

CERTAIN UNDERWRITERS AT  
LLOYD'S, LONDON SUBSCRIBING TO  
POLICY NO. XSZ146282,

Defendants.

No. 1:20-cv-03905-RA

ORAL ARGUMENT REQUESTED

**NOTICE OF MOTION TO DISMISS THE COMPLAINT**

**PLEASE TAKE NOTICE** that upon the Memorandum of Law dated July 28th, 2020, the exhibits annexed thereto, and all other papers and proceedings in this action, Defendants, Certain Underwriters at Lloyd's, London Subscribing to Policy No. XSZ146282 ("Underwriters"), by their undersigned counsel, shall move before the United States District Court for the Southern District of New York for an Order to dismiss Plaintiff 632 Metacom, Inc. d/b/a Hometown Tavern's ("Plaintiff") Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6), for failure to state a claim upon which relief can be granted. Underwriters respectfully request the dismissal of Plaintiff's Complaint with Prejudice.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to Local Rule 6.1 (b), answering papers shall be served within fourteen days after service of the moving papers.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to Local Rule 6.1 (b), reply papers, if any, shall be served within seven days after service of the answering papers.

Dated: New York, New York  
July 28, 2020

*Peter J. Fazio*

---

BY: Peter J. Fazio, Esq.  
AARONSON RAPPAPORT FEINSTEIN &  
DEUTSCH, LLP  
Attorneys for Defendant  
Certain Underwriters at Lloyd's, London  
Subscribing to Policy No. XSZ146282  
Office & P.O. Address  
600 Third Avenue  
New York, NY 10016  
212-593-6700

TO: All Parties VIA ECF

**CERTIFICATE OF SERVICE**

I hereby certify that on this 28th day of July, 2020, the foregoing Notice of Motion to Dismiss was electronically filed with the Clerk of Court, United States District Court for the Southern District of New York and said Notice of Motion shall be deemed served by electronic notification of the Court's CM/ECF system as copy was served via e-mail upon the following:

Darren T. Kaplan  
**KAPLAN GORE LLP**  
1359 Broadway  
Suite 2001  
New York, New York 10018

John J. Schirger  
Matthew W. Lytle  
Joseph M. Feierabend  
**MILLER SCHIRGER LLC**  
4520 Main Street  
Suite 1570  
Kansas City, Missouri 64111

Patrick J. Stueve  
Bradley T. Wilders  
Curtis Shank  
**STUEVE SIEGEL HANSON LLP**  
460 Nichols Road  
Suite 200  
Kansas City, Missouri 64112

J. Kent Emison  
**LANGDON & EMISON LLC**  
911 Main Street  
Lexington, Missouri 64067  
Houston, Texas 77064

Richard F. Lombardo  
Dawn M. Parsons  
**SHAFFER LOMBARDO SHURIN, P.C.**  
2001 Wynadotte Street  
Kansas City, Missouri 64108